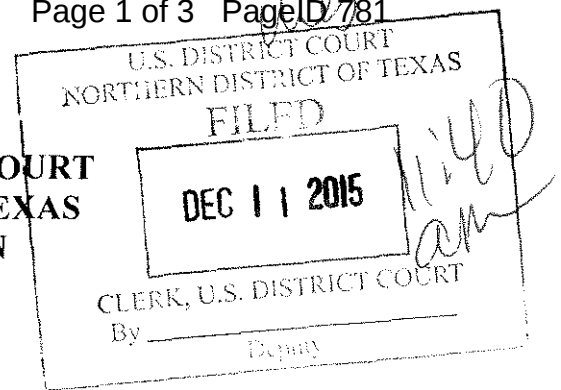


ORIGINAL

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**



UNITED STATES OF AMERICA

V.

ANGELA CUPIT

§
§
§
§
§

CASE NO. No. 4:15-CR-152-A(5)

**DEFENDANT ANGELA CUPIT'S MOTION FOR AN
UNDER-GUIDELINE SENTENCE VARIANCE
AND**

**JUDICIAL RECOMMENDATIONS TO THE FEDERAL BUREAU OF PRISONS
FOR THE RESIDENTIAL DRUG ABUSE PROGRAM (RDAP), EDUCATIONAL
AND VOCATIONAL TRAINING, PARENTING AND LIFESTYLE CLASSES**

TO THE HONORABLE JOHN H. MCBRYDE, UNITED STATES DISTRICT JUDGE:

COMES NOW, Angela Cupit, (Cupit), the defendant, through her attorney, John W. Stickels, and hereby files this motion for an under-guideline sentence variance and judicial recommendations to the Bureau of Prisons for the Residential Drug Abuse Program (RDAP), Educational and Vocational Training, Parenting and Lifestyle Classes, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), Title 18 U.S.C. §§ 3561(a), 3562, and 3553(a), and U.S. Department of Justice Federal Bureau of Prisons Program Statement 5100.08, and respectfully shows:

1. The Presentence Report (PSR) recommends the Court impose a sentence within the United States Sentencing Guidelines (USSG) range based on a Total Offense Level of 39, Criminal History Category II, to be satisfied by a sentence of imprisonment 292 to 365 months;

2. The United States Sentencing Guidelines are advisory only;
3. The PSR determines that the Court shall consider all the factors listed in 18 U.S.C. § 3553(a), as well as any information provided pursuant to 18 U.S.C. § 3661 in determining the applicability of a guideline sentence versus the imposition of a non-guideline (variance) sentence;
4. A factor considered by the BOP when making designation determinations is judicial recommendations; and
5. There are mitigating factors and 18 U.S.C. 3553(a) factors applicable in this case that support an under-guideline sentence variance.

WHEREFORE, PREMISES CONSIDERED, Defendant Cupit respectfully prays the Court impose a downward sentence variance and judicial recommendations to the Bureau of Prisons.

Respectfully submitted,

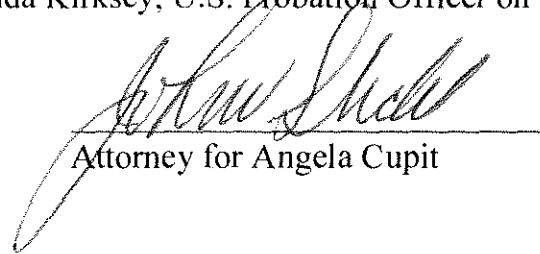
Stickels & Associates, P.C.
P. O. Box 121431
Arlington, Texas 76012
Phone: (817) 479 - 9282
Fax: (817) 622 - 8071

BY: 

John W. Stickels
State Bar No. 19225300
Attorney for Angela Cupit

CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing Motion by on the Assistant United States Attorney Shawn Smith and on Mirenda Kirksey, U.S. Probation Officer on December 9, 2015.



Attorney for Angela Cupit